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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,126	05/30/2000	Samuel Louis Iserson	03046-P0003A	1380

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/580,126

Applicant(s)

ISERSON, SAMUEL LOUIS

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***DETAILED ACTION***

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogden (US 6,311,164) in view of Speicher (US 6,282,515).
3. As per independent Claims 1 and 11, Ogden discloses a system for interviewing, comprising: a computer; a storage device accessible by said computer; interviewer's question data stored on storage device; remote electronic access to said computer by at least one interviewee to review said interviewer's question data; software executing on said computer for forwarding said interviewer's question data to said at least one interviewee; a system for capturing at least one interviewee's answer data to said interviewer's question data in real time for storage on said storage device together with corresponding interviewer's question data; and said software executing on said computer for forwarding said at least one interviewee's answer data to an interviewer (Abstract, Figs.1-5, C2 L26-67, C4 L12-67, C5 L1-30, C6 L48-65, C17 L56-67, C18 L1-15, Claims 1-5).
4. However, Ogden fails to expressly disclose a system wherein the said data is video data collected from the interviewer and interviewee by a camera.

5. Speicher teaches a video interview system which uses computer camera technology (Abstract, C2 L39-57, C7 L30-54, C11 L27-51, C14 L48-67, C15 L1-45, C16 L51-59).
6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a system wherein the said data is video data collected from the interviewer and interviewee by a camera, as disclosed by Speicher, in the system disclosed by Ogden, for the advantage of providing a system for interviewing, which includes computer generated video interviews in order to add a visual dimension to the interview process – allowing the interviewer to get a better feeling for the interviewee (Ogden: C17 L55-67, C18 L1-15).
7. As per Claims 2 and 12, Ogden and Speicher disclose wherein said software adjusts a time period during which said camera captures said at least one interviewee's answer video data (Speicher: Abstract, C2 L39-57, C7 L30-54, C11 L27-51, C14 L48-67, C15 L1-45, C16 L51-59).
8. As per Claims 3 and 13, Ogden and Speicher disclose wherein said software executing on said computer matches said at least one interviewee's answer video data with said interviewer question video data (Ogden: Abstract, Figs.1-5, C2 L26-67, C4 L12-67, C5 L1-30, C6 L48-65, C17 L56-67, C18 L1-15, Claims 1-5) (Abstract, C2 L39-57, C7 L30-54, C11 L27-51, C14 L48-67, C15 L1-45, C16 L51-59).
9. As per Claim 4, Ogden and Speicher disclose wherein said camera simultaneously captures said at least one interviewee's and at least a second interviewee's answer video data (Ogden: C15 L57-67, C16 L1-38) (Abstract, C2 L39-57, C7 L30-54, C11 L27-51, C14 L48-67, C15 L1-45, C16 L51-59).

10. As per Claim 5, Ogden and Speicher disclose wherein said software executing on said computer simultaneously forwards at least one interviewee's and at least a second interviewee's answer video data to said interviewer (Ogden: Abstract, Figs.1-5, C2 L26-67, C4 L12-67, C5 L1-30, C6 L48-65, C17 L56-67, C18 L1-15, Claims 1-5) (Abstract, C2 L39-57, C7 L30-54, C11 L27-51, C14 L48-67, C15 L1-45, C16 L51-59).
11. As per Claim 6, Ogden and Speicher disclose wherein said software executing on said computer allows said interviewer to select among said at least one interviewee and at least a second interviewee (Ogden: Abstract, Figs.1-5, C2 L26-67, C4 L12-67, C5 L1-30, C6 L48-65, C17 L56-67, C18 L1-15, Claims 1-5).
12. As per Claims 7 and 14, Ogden and Speicher disclose wherein said software executing on said computer sends said at least one interviewee's answer video data to a third party (Ogden: Abstract, Figs.1-5, C2 L26-67, C4 L12-67, C5 L1-30, C6 L48-65, C17 L56-67, C18 L1-15, Claims 1-5) (Abstract, C2 L39-57, C7 L30-54, C11 L27-51, C14 L48-67, C15 L1-45, C16 L51-59).
13. As per Claims 8 and 15, Ogden and Speicher disclose wherein said system forwards said at least one interviewee's answer video data to said interviewer at a time different from when said at least one interviewee's answer video data was stored on said storage device (Ogden: Abstract, Figs.1-5, C2 L26-67, C4 L12-67, C5 L1-30, C6 L48-65, C17 L56-67, C18 L1-15, Claims 1-5) (Abstract, C2 L39-57, C7 L30-54, C11 L27-51, C14 L48-67, C15 L1-45, C16 L51-59).
14. As per Claim 9, Ogden and Speicher disclose wherein said software allows said interviewer to copy said at least one interviewee's answer video data onto a storage medium (Ogden:

Abstract, Figs.1-5, C2 L26-67, C4 L12-67, C5 L1-30, C6 L48-65, C17 L56-67, C18 L1-15, Claims 1-5) (Abstract, C2 L39-57, C7 L30-54, C11 L27-51, C14 L48-67, C15 L1-45, C16 L51-59).

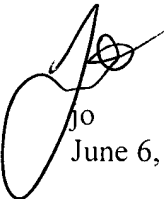
15. As per Claim 10, Ogden and Speicher disclose wherein said storage medium is located remotely from said storage device (Ogden: Abstract, Figs.1-5, C2 L26-67, C4 L12-67, C5 L1-30, C6 L48-65, C17 L56-67, C18 L1-15, Claims 1-5) (Abstract, C2 L39-57, C7 L30-54, C11 L27-51, C14 L48-67, C15 L1-45, C16 L51-59).

*Response to Arguments*

16. Applicant's arguments filed 4/28/2003 have been fully considered but they are not persuasive. The rejection will remain as final, based on the cited prior art.
17. Application 09/580,126 is basically claiming a method for interviewing a candidate through a recorded video message and evaluating recorded video responses to the questions returned by the candidate.
18. As discussed in the rejection above, Ogden teaches an interview system which allows an interviewer to send a candidate recorded questions, wherein the candidate can reply to the questions with a recorded answer file. Speicher teaches a system wherein video clips are sent between a candidate and a user for the purpose of personal evaluation. As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two inventions for the purpose of evaluating job candidates through pre-taped visual files, to incorporate general demeanor/visual aspects in the candidate evaluation.

*Conclusion*

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
21. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
Jo  
June 6, 2003

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
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